

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PARAGON DATA SYSTEMS, INC.)	CASE NO.: 1:20-CV-02667-JG
)	
Plaintiff,)	
)	
v.)	HON. JAMES S. GWIN
)	
SPECTRUM HEALTH SYSTEM, et al.)	
)	
)	STIPULATION TO TRANSFER
Defendants.)	

Pursuant to 28 U.S.C. § 1404(a), 28 U.S.C. § 1406(a), and/or 28 U.S.C. § 1631, the Plaintiff Paragon Data Systems, Inc. (“Plaintiff”) and Defendant Spectrum Health System (“Defendant”) (collectively, the “Parties”) hereby respectfully request that this Honorable Court issue an Order transferring this case to the U.S. District Court for the Western District of Michigan, Southern Division. The reason for this Stipulation is that Defendant raised a concern that this Court does not have personal jurisdiction over Defendant in Defendant’s Motion to Dismiss. (ECF. No. 11). To resolve this concern efficiently and cost effectively, the Parties have agreed to litigate this dispute in the Western District of Michigan, Southern Division, where Defendant is located. Should the Court agree to transfer this action to the Western District of Michigan, Southern Division, the Parties agree that:

1. the Motion to Dismiss would be moot, as would the Court’s Order requiring Defendant to timely file an Answer to the Complaint dated January 25, 2021;

2. the case shall proceed in the U.S. District Court for the Western District of Michigan, Southern Division, as if it had originally been filed in that court; and
3. pursuant to Federal Rule of Civil Procedure 12(a)(4)(A) and the Local Rules of Civil Practice and Procedure of the U.S. District Court for the Western District of Michigan, Defendant's Answer shall be filed no later than 14 days after the date of this Court's transfer order.

For the above reasons, the Parties join in requesting that this case be transferred to the U.S. District Court for the Western District of Michigan, Southern Division at the Court's earliest opportunity.

So Stipulated:

/s/ Ezio A Listati

Ezio A. Listati (0046703)

Tim L. Collins (0033116)

Elizabeth E. Collins (0091032)

THRASHER, DINSMORE & DOLAN LPA

1111 Superior Avenue, Suite 412

Cleveland, OH 44114

(216) 255-5431 | (216) 255-5450 (fax)

elistati@tddlax.com | tcollins@tddlax.com | ecollins@tddlax.com

Attorneys for Plaintiff Paragon Data Systems, Inc.

/s/ Brian T. Lang

Brian T. Lang (Ohio ID No. 70937)

Andrea J. Bernard (*pro hac vice* forthcoming)

Charles R. Quigg (*pro hac vice* forthcoming)

WARNER NORCROSS + JUDD LLP

1500 Warner Building

150 Ottawa Avenue NW

Grand Rapids, MI 49503

616.752.2000

616.752.2500 (fax)

blang@wnj.com

abernard@wnj.com

cquigg@wnj.com

Attorneys for Defendant Spectrum Health System